

## **REMARKS**

### **I. Status of the Claims**

Claims 2, 4-46, and 49-93 are now pending in this application. Claim 1 is canceled herein without prejudice or disclaimer. Claims 2, 4-13, 16, 21, 23, 24, 28,31, 35, 36, and 42 are amended to depend from claim 93. As such, Applicants submit that these amendments add no new matter and require no further search by the Examiner.

### **II. Allowed Subject Matter**

Applicants thank the Examiner for his indication that claims 49-93 are allowed. In view of the amendments made herein, Applicants assert that all claims 2, 4-46, and 49-93 are allowable.

### **III. Rejections Under 35 U.S.C. § 103**

Claims 1-2, 4-8, 10-24, 28-34, and 36-46 are rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent Application Publication No. 2001/0054206 to Matsunaga et al. ("Matsunaga") in view of U.S. Patent Application Publication No. 2001/0023514 to Cottard et al. ("Cottard"). Claim 9 is rejected under 35 U.S.C. § 103(a) as being unpatentable over *Matsunaga* in view of *Cottard* and further in view of U.S. Patent No. 6,156,077 to Shibata et al. ("Shibata"). Claims 25-27 are rejected under 35 U.S.C. § 103(a) as being unpatentable over *Matsunaga* in view of *Cottard* and further in view of U.S. Patent No. 6,436,153 to Rondeau ("Rondeau"). Claim 35 is rejected under 35 U.S.C. § 103(a) as being unpatentable over *Matsunaga* in view of *Cottard* and further in view of U.S. Patent No. 5,744,127 to Guiseppe et al. ("Guiseppe") Applicants assert that all of these rejections are obviated in view of the claims as amended.

Claim 1 is canceled herein, and all claims originally depending from Claim 1 now depend from allowed Claim 93. All claims thus recite at least a composition comprising, in a cosmetically acceptable medium, at least one fluorescent dye that is soluble in the medium and at least one surfactant chosen from amphoteric and nonionic surfactants, wherein the at least one fluorescent dye is not chosen from azomethine fluorescent dyes. In contrast, *Matsunaga* describes hair dye compositions containing an azomethine dye as direct dye. See abstract. None of the secondary references (*Cottard*, *Shibata*, *Rondeau*, and *Guiseppe*) discloses or suggests hair dye compositions comprising fluorescent dyes. Thus, any combination of these references also necessarily fails to teach or suggest a composition comprising at least one fluorescent dye with at least one amphoteric or nonionic surfactant wherein the at least one fluorescent dye is not chosen from azomethine fluorescent dyes.

Accordingly, in view of the above arguments and claim amendments, all presently pending claims 2, 4-46, and 49-93 are patentably distinct over the cited prior art. Applicants respectfully request that the Examiner withdraw all rejections and allow the claims.

**CONCLUSION**

Applicants submit that the proposed amendments do not raise new issues or necessitate the undertaking of any additional search of the art by the Examiner, since all of the elements and their relationships claimed were either earlier claimed or inherent in the claims as examined. Therefore, this Amendment should allow for immediate action by the Examiner.

It is respectfully submitted that the entering of this Amendment would allow Applicants to reply to the final rejections and would place the application in condition for allowance. Furthermore, Applicants submit that entry of the amendment would place the application in better form for appeal, should the Examiner dispute the patentability of the pending claims.

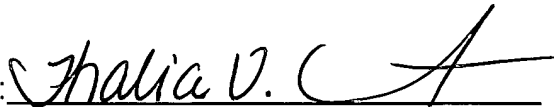
In view of the foregoing amendments and remarks, Applicants respectfully request reconsideration and reexamination of this application and the timely allowance of the pending claims.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

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